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OFFICE OF PETITIONS

In re Application of  
Kenneth A. Jansen  
Application No. 10/695,202  
Filed: October 28, 2003  
Attorney Docket No. 200302155-2

: DECISION GRANTING PETITION

This is a decision on the petition filed September 17, 2004, under 37 CFR 1.53, in response to the Notice of Incomplete Nonprovisional Application mailed August 23, 2004, requesting that the above identified application be accorded a filing date of October 28, 2003.

On October 28, 2003, the application was filed.

On August 23, 2004, the Office of Initial Patent Examination mailed a "Notice of Incomplete Nonprovisional Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on September 17, 2004 the present petition, and seven (7) sheets of drawings were filed. Petitioners argue that drawings were filed with the other application papers on October 28, 2003. In support of the petition, a copy of petitioner's postcard receipt which shows an official USPTO date-stamp of October 28, 2003, and the above-identified application number, and acknowledges receipt of, *inter alia*, drawings, was supplied with the present petition. Petitioner requests that the application, including 7 sheets of drawings, be accorded a filing date of October 28, 2003.

Upon review of the record, no sheets of drawings deposited on October 28, 2003, have been located among the application papers. However, the evidence is convincing that the application papers deposited on October 28, 2003, included drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including the seven sheets of drawings, was complete on filing and entitled to a filing date of October 28 2003.

In view of the above, the petition is **GRANTED**.

The Notice of Incomplete Nonprovisional Application mailed August 23, 2004, is withdrawn. Therefore, no petition fees are due and none will be charged.

The application is being returned to the Office of Initial Patent Examination for reprocessing with a filing date of October 28, 2003, using the application papers filed on October 28, 2003 and the seven (7) sheets of drawings supplied on September 17, 2004.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.



Patricia Faison-Ball  
Senior Petitions Attorney  
Office of Petitions